

### REMARKS

Claims 1-5, 7, 8-37 are pending in the present application. Claims 6, 8 and 38 have been amended.

Applicant respectfully requests reconsideration of the application in view of the remarks appearing below.

#### Rejection Under 35 U.S.C. § 112

The Examiner has rejected claims 6 and 8 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Specifically, the Examiner states that there is insufficient antecedent basis for the "said one or more control elements" limitations recited in claims 6 and 8.

Based on the foregoing amendments made to claim 6 and 8, Applicants respectfully submit that there is now sufficient antecedent basis for the "said one or more control elements" limitation set forth in these claims and that claims 6 and 8 are now in condition for allowance.

#### Rejection Under 35 U.S.C. § 102

The Examiner has rejected claim 38 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,699,008 to Japikse, stating that Japikse teaches "a method of controlling secondary fluid flow within a flow channel 103, said method comprising the steps of: a) providing a device 104 for causing a two-phase fluid in the secondary fluid flow to collapse or condense into a substantially single-phase fluid; b) providing a passage 108 that allows the secondary fluid flow to flow to a point upstream in the flow channel 103 and c) directing the secondary fluid flow 110 to either said device in step a) or device in step b)."

Based on the foregoing amendments made to claim 38, it is clear that Applicants' claimed invention includes the step of providing a passage that not only allows "the secondary fluid flow to flow to a point upstream in the flow channel", but also allows "a *primary* fluid flow to flow to a point *downstream* in the fluid channel" (emphasis added). Because U.S. Patent No. 6,699,008 to Japikse does not teach or disclose "a passage that allows a primary fluid flow to flow to a point downstream in the fluid channel", Applicants respectfully submit that claim 38 is novel over the Japikse patent.

For at least the foregoing reasons, Applicants respectfully request that the Examiner withdraw the present anticipation rejection.

**CONCLUSION**

In view of the foregoing, Applicants submit that claims 1-38 are in condition for allowance. Therefore, prompt issuance of a Notice of Allowance is respectfully solicited. If any issues remain, the Examiner is encouraged to call the undersigned attorney at the number listed below.

Respectfully submitted,

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